

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

**v.**

**RICHARD W. DAVIS, JR.,**

**Defendant,**

**and**

**DCG REAL ASSETS, LLC, et al.,**

**Relief Defendants.**

**CASE NO. 3:16-CV-285**

**ORDER ON RECEIVER'S MOTION  
FOR ORDER REGARDING  
DISTRIBUTION METHOD**

This matter came before the Court on the *Receiver's Motion for Order Regarding Distribution Method* (the "Motion") filed on October 30, 2018. (Doc. No. 223). It appears that notice of the Motion was proper, and no objections were filed in response to the Motion. The Court, having reviewed the Motion and the record in this case, has determined that the Motion should be allowed.

In the Motion, the Receiver proposed a method for calculating distributions to the holders of allowed claims in this case. The Receiver recommended that such distributions be made on a pro-rata basis, including in the calculation of the amounts to be distributed both investor and non-investor claims in the calculation. Further, the Receiver proposed that, before making any distributions, she would seek Court authority to do so through a further motion, to be documented with an exhibit showing the total amount to be distributed, the amount of each allowed claim, and the proposed pro-rata distribution relative to each allowed claim.

IT IS, THEREFORE, ORDERED that:

- 1) The Motion is GRANTED;
- 2) Distributions on allowed claims shall be calculated on a pro rata basis to include both investor and non-investor claims in the calculation; and
- 3) The Receiver shall seek Court authority before making distributions through a further motion indicating the total amount to be distributed, the amount of each allowed claim, and the proposed pro rata distribution relative to each allowed claim.

**SO ORDERED.**

Signed: November 16, 2018

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

